

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 23 October 2000 (23.10.00)	
International application No. PCT/US00/06984	Applicant's or agent's file reference CM2069/6B
International filing date (day/month/year) 17 March 2000 (17.03.00)	Priority date (day/month/year) 19 March 1999 (19.03.99)
Applicant BECHMANN, Georg, Rudolf, Theobald et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

07 September 2000 (07.09.00)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Henrik Nyberg Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

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REC'D 08 JUN 2001

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CM2069/6B	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/06984	International filing date (day/month/year) 17/03/2000	Priority date (day/month/year) 19/03/1999
International Patent Classification (IPC) or national classification and IPC B65D75/58		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.


3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

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Date of submission of the demand 07/09/2000	Date of completion of this report 05.06.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Janc, G Telephone No +49 89 2399 2553

Form PCT/IPEA/409 (cover sheet) (January 1994)



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/06984

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-18 as originally filed

Claims, No.:

1-17 as originally filed

Drawings, sheets:

1-6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/06984

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims 2-5,7,10-12,16,17
	No: Claims 1,6,8,9,13-15
Inventive step (IS)	Yes: Claims
	No: Claims 2-5,10-12,16,17
Industrial applicability (IA)	Yes: Claims 1-17
	No: Claims

2. Citations and explanations
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US00/06984

V: WO 96/28262, Texwipe, already discloses articles with a cell system with a cell having an easy opening means (page 3 , line 5) in the form of a peelable seal.

The claims referring to the composition and dimensions of the cell appears to fall within the average skilled mans routine since apparently no surprising technical or functional effect results therefrom.

Laser scoring for easy-opening means is known as such: EP-A-540 184, ANC.

Pull strings for easy opening are known in cell system packages: WO 97/04831.

US-A-3 826 259, Bailey, already shows articles of the kind folded on itself.

VIII: Claim 1: the meaning of "system" is unclear since claim 1 may comprise a single filled cell as such as well ("at least one burstable cell"), which hardly can be said to form a system.

The meaning of claim 17 is obscure; it appears to describe the natural way of use of such a package.

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CM2069/6B	FOR FURTHER ACTION <small>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</small>	
International application No. PCT/US 00/ 06984	International filing date (day/month/year) 17/03/2000	(Earliest) Priority Date (day/month/year) 19/03/1999
Applicant THE PROCTER & GAMBLE COMPANY et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of Invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

2

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☒ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 00/ 06984

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

LINE 1 -...SYSTEM(10)
LINE 2 -...BURSTABLE CELL(11)
LINE 4 -...MEANS(30)
LINE 5 -...ELEMENT(12)

INTERNATIONAL SEARCH REPORT

International Application No

/US 00/06984

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 B65D75/58 B65D81/32 A61M35/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 B65D A61M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 97 04831 A (CANTWELL EVELYNA DYSON) 13 February 1997 (1997-02-13) page 5, line 29 -page 7, line 9 page 10, line 1 - line 12 figures 1,2	1,2,5,8, 9,11, 13-15,17
A	US 5 804 300 A (IWASE HIROSHI ET AL) 8 September 1998 (1998-09-08) column 7, line 5 - line 15 column 9, line 41 -column 10, line 6	2
X	WO 96 28262 A (TEXWIPE COMPANY LLC) 19 September 1996 (1996-09-19)	1,3,5,6, 12-15,17
Y	page 9, line 17 -page 13, line 27 figures 1-4	4,16
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

10 July 2000

Date of mailing of the international search report

18/07/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Wennborg, J

INTERNATIONAL SEARCH REPORT

International Application No

US 00/06984

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 442 659 A (SEIKEN KAGAKU KK) 21 August 1991 (1991-08-21) column 2, line 9 - line 22 example 1 ----	3,5
Y	EP 0 540 184 A (AMERICAN NATIONAL CAN CO) 5 May 1993 (1993-05-05) abstract ----	4
Y	US 3 826 259 A (BAILEY J) 30 July 1974 (1974-07-30) column 2, line 43 -column 4, line 6 figures 1-5 ----	16
X	WO 94 03369 A (AVITAR INC) 17 February 1994 (1994-02-17) -----	1,13,14
A	page 3, last paragraph -page 4, paragraph 1 figures 1-4 -----	10

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

US 00/06984

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9704831	A	13-02-1997	AU 6625896 A US 6000403 A	26-02-1997 14-12-1999
US 5804300	A	08-09-1998	JP 2684913 B JP 5178362 A JP 2768142 B JP 5318550 A CA 2104676 A DE 69225315 D DE 69225315 T EP 0573664 A WO 9312923 A	03-12-1997 20-07-1993 25-06-1998 03-12-1993 29-06-1993 04-06-1998 19-11-1998 15-12-1993 08-07-1993
WO 9628262	A	19-09-1996	AU 5359596 A CA 2215023 A CN 1183062 A EP 0813453 A JP 11501843 T US 6062381 A US 5988371 A US 5814159 A US 6001187 A	02-10-1996 19-09-1996 27-05-1998 29-12-1997 16-02-1999 16-05-2000 23-11-1999 29-09-1998 14-12-1999
EP 0442659	A	21-08-1991	JP 2649280 B JP 3231676 A DE 69121600 D DE 69121600 T US 5458244 A	03-09-1997 15-10-1991 02-10-1996 23-01-1997 17-10-1995
EP 0540184	A	05-05-1993	US 5229180 A	20-07-1993
US 3826259	A	30-07-1974	CA 971491 A	22-07-1975
WO 9403369	A	17-02-1994	US 5346061 A CA 2141859 A DE 69319143 D DE 69319143 T EP 0681546 A JP 8500037 T	13-09-1994 17-02-1994 16-07-1998 01-10-1998 15-11-1995 09-01-1996